

CITY OF SANTA FE, NEW MEXICO

BILL NO. 2013-2

INTRODUCED BY:

Mayor Coss

AN ORDINANCE

RELATING TO THE LAND DEVELOPMENT CODE, CHAPTER 14 SFCC 1987  
REGARDING TECHNICAL CORRECTIONS AND MINOR CLARIFICATIONS  
AMENDING SUBSECTIONS 14-2.3(C)(5)(a) CORRECT REFERENCE; 14-2.4(C)  
CORRECT REFERENCE; 14-2.8(K) REFERENCE STATUTES; 14-3.1(F)(2)  
APPLICABILITY OF ENN; 14-3.1(H) PUBLIC NOTICE; 14-3.3(A)(1)(a) TEXT  
AMENDMENT; 14-3.6(C)(3) AMENDED SPECIAL USE PERMITS; 14-3.6(E) SPECIAL USE  
PERMITS AND CROSS REFERENCES; 14-3.7(A)(6) CLARIFY COURT-ORDERED LAND  
DIVISIONS; 14-3.7(F)(5)(b) FAMILY TRANSFERS; 14-3.8(B) THREE-UNIT  
DEVELOPMENT PLAN; 14-3.8(C)(1)(g) CORRECT ERROR; 14-3.8(C)(5) NOTICE FOR  
DEVELOPMENT PLANS; 14-3.8(C)(6) CORRECT REFERENCE TO COUNTY CLERK; 14-  
3.12(B)(3) TEMPORARY CERTIFICATES OF OCCUPANCY; 14-3.13(D)(3)(c) REFERENCE  
TO STATE MEDICAL INVESTIGATOR; 14-3.16(D) CORRECT REFERENCE; *REPEAL*  
*14-3.17(E)(3)*; 14-3.19(B)(6) CONTINUING ACTIVITY FOR MASTER AND  
DEVELOPMENT PLANS; 14-3.19(C)(2) TIME EXTENSIONS; 14-4.3(G) CORRECT  
OBSOLETE TEXT; 14-6.1(C) TABLE 14-6.1-1 VARIOUS MINOR AMENDMENTS AND

1 CORRECTIONS TO TABLE OF PERMITTED USES; 14-6.2(C)(1)(b) CLARIFY  
2 ADOPTION DATE; 14-6.3(B)(2)(a) CORRECT REFERENCE; 14-6.3(B)(2)(c) CLARIFY  
3 COMMERCIAL PARKING; 14-6.3(D)(2)(c) CLARIFY HOME OCCUPATION RESIDENCY;  
4 14-6.4(A) TEMPORARY STRUCTURES; 14-6.4(C) TEMPORARY STRUCTURES; 14-7.1(B)  
5 CLARIFY LOT COVERAGE; 14-7.2(A) TABLE 14-7.2-1 VARIOUS MINOR  
6 AMENDMENTS AND CORRECTIONS TO RESIDENTIAL DIMENSIONAL STANDARDS;  
7 14-7.2(F) CLARIFY SPECIAL USE PERMIT IN R-12 – R-29; 14-7.3(A) TABLE 14-7.3-1  
8 MAXIMUM DENSITY C-1 AND C-4 DISTRICTS; 14-7.4(B)(2) CLARIFY  
9 REDEVELOPMENT SUBDISTRICT; 14-8.2(C)(2) TERRAIN MANAGEMENT  
10 SUBMITTALS; 14-8.2(D)(1)(a) CLARIFY CUT SLOPES; 14-8.3(A)(1) DATE OF FLOOD  
11 MAPS; 14-8.4(B)(1) LANDSCAPE STANDARDS; 14-8.4(G)(3) STREET TREES IN  
12 PARKWAY; 14-8.5(B)(2)(a) CLARIFY FENCE HEIGHTS; 14-8.6(B)(4)(c) JOINT PARKING  
13 IN BIP DISTRICT; 14-8.10(D)(5) CORRECT REFERENCE; 14-8.10(G)(8)(d) CORRECT  
14 REFERENCE; 14-8.14(E)(3) CORRECT ERRORS; 14-8.14(E)(5) CLARIFY IMPACT FEES;  
15 14-9.2(C)(8) SUBCOLLECTOR PRIVATE STREETS; 14-9.2(E) SIDEWALK  
16 REPLACEMENT STANDARDS; 14-9.2(K) STREET IMPROVEMENT STANDARDS; 14-  
17 9.5(A) DEDICATIONS TO HOMEOWNER'S ASSOCIATIONS; 14-9.5(D) EXTENSION OF  
18 INFRASTRUCTURE WARRANTY; 14-10.1(C) NONCONFORMING  
19 TELECOMMUNICATION FACILITIES; 14-10.4(A) CLARIFY NONCONFORMING LOT  
20 USES; 14-11.5 CORRECT REFERENCE; ARTICLE 14-12 VARIOUS DEFINITIONS  
21 AMENDED AND INSERTED; APPENDIX EXHIBIT B PARKING SPACE STANDARDS  
22 RESTORED; AND MAKING SUCH OTHER STYLISTIC OR GRAMMATICAL CHANGES  
23 THAT ARE NECESSARY.

24  
25 BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SANTA FE:

1           **Section 1.       Subsection 14-2.3(C)(5)(a) SFCC 1987 (being Ord. No. 2011-37 § 2) is**  
2 **amended to read:**

3                   (a)       The planning commission shall review and grant or deny requests for  
4                               variances from Section 14-5.6 (Escarpment Overlay District);  
5                               Section 14-8.2 (Terrain and Stormwater Management); Section 14-  
6                               8.3 (~~[[Stormwater Management]~~ Flood Regulations); Section 14-8.11  
7                               (Santa Fe Homes Program); and Section 14-9 (Infrastructure Design,  
8                               Improvement and Dedication Standards). When deciding variances,  
9                               the planning commission shall comply with Section 14-3.16.

10           **Section 2.       Subsection 14-2.4(C) SFCC 1987 (being Ord. No. 2011-37 § 2) is**  
11 **amended to read:**

12           **(C)       Powers and Duties**

13                   The BOA has the review and decision-making responsibilities set forth in Table 14-  
14                   2.1-1 to be carried out in accordance with the provisions of Chapter 14 and has the  
15                   following additional responsibilities:

- 16                   (1)       to hear appeals of *final actions* of the *land use director* applying the  
17                               provisions of Chapter 14, unless jurisdiction for such appeals is otherwise  
18                               specifically reserved to another *land use board*;
- 19                   (2)       to hear and decide *applications* for special use *permits* as provided in  
20                               Sections 14-3.6 and 14-6 (Permitted Uses and Use Regulations), unless  
21                               jurisdiction for such special use *permits* is specifically reserved to another  
22                               *land use board*; and
- 23                   (3)       to authorize in specific cases a variance from the terms of Chapter 14 [~~that is~~  
24                               ~~not contrary to the public interest and where, owing to special conditions, a~~  
25                               ~~literal enforcement of the provisions of Chapter 14 would result in~~

1                   ~~unnecessary hardship~~] as provided in Section 14-3.16.

2           **Section 3.       Subsection 14-2.8(K) SFCC 1987 (being Ord. No. 2011-37 § 2) is**

3 **amended to read:**

4           (K)     Removal of Members

5                   A member of the planning commission may be removed for cause as provided in  
6                   Section 3-19-2 NMSA 1978. A member of any other *land use board* may be removed  
7                   by the appointing authority with or without cause.

8           **Section 4.       Subsection 14-3.1(F)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is**

9 **amended to read:**

10           (2)     Applicability to Projects Reviewed by [~~Land Use Boards~~] the board of  
11                   adjustment, planning commission or the governing body.

12           (a)     ENN is required for the following types of projects, if a public  
13                   hearing before [~~a *land use board*~~] the board of adjustment, planning  
14                   commission or the *governing body* is required by other provisions of  
15                   Chapter 14:

16                   (i)     annexations;

17                   (ii)    master plans;

18                   (iii)   rezonings;

19                   (iv)   *development* plans, except final *development* plans for which  
20                   ENN procedures were followed at the preliminary  
21                   *development* plan review stage;

22                   (v)     subdivision *plats*, except final subdivision *plats* for which  
23                   ENN procedures were followed at the preliminary *plat*  
24                   review stage;

25                   (vi)    vacation and dedication of *rights of way*;

- (vii) variances, except those requesting construction or modification of an individual *single-family dwelling* and appurtenant *accessory structures* or those requesting a reduction in the total parking requirements of five or fewer spaces and those requesting variances to Section 14-8.10 (Signs);
  - (viii) special use *permits*, except those for *mobile homes*;
  - (ix) *telecommunications facilities* as set forth in Section 14-6.2(E);
  - (x) *electric facilities* as set forth in Section 14-6.2(F);
  - (xi) amendment to any of the preceding; and
  - (xii) amendments to the future land use map of the *general plan*.
- (b) ENN is not required in the following specific circumstances:
- (i) projects or amendments to project approvals that do not require public hearings [~~as described in Subsection 14-3.1(F)(2)(a)] before the board of adjustment, planning commission or the governing body;~~
  - (ii) time extensions that do not otherwise modify a project approval.

**Section 5. Subection 14-3.1(H) SFCC 1987 (being Ord. No. 2011-37, §3, as amended) is amended to read:**

**(H) Notice Requirements**

The notices required by this section shall indicate the nature of the change proposed; the *property* affected; the time, date and place of the hearing or meeting; and the deadline for receiving written comments regarding the request, if applicable. The

notice shall be approved by the *land use director*. Neighborhood associations that wish to receive notifications of hearings and meetings and copies of agendas, including email notifications, must register with the *land use director*.

(1) Notice of Public Hearing Before Land Use Boards and ENN Meetings.

(a) General Notice Requirements

~~[This section applies for all *applications* and ENN meetings, except those initiated by the *city* described in Subsection 14-3.1(H)(1)(e), Archaeological Clearance Permits for which notice shall be provided in accordance with Section 14-3.13(C)(3), projects heard before the historic districts review board, for which mailed notification in accordance with Subsection 14-3.1(H)(1)(d) is not required, and appeals described in Subsection 14-3.1(H)(4).]~~ The notice requirements in Subsections 14-3.1(H)(1)(b), (c) and (d) below apply to public hearings required for all *applications* and ENN meetings, except that:

(i) Public hearings concerning development review actions initiated by the *city* require notification as described in Subsection 14-3.1(H)(1)(e);

(ii) Public hearings concerning Archaeological Clearance Permits require notification in accordance with Section 14-3.13(C)(3);

(iii) Public hearings concerning projects heard before the historic districts review board shall meet the agenda and posting requirements in Subsections 14-3.1(H)(1)(b) and (c) below, but mailed notification in accordance with Subsection 14-

3.1(H)(1)(d) is not required; and

(iv) Public hearings concerning appeals must provide notice as described in Subsection 14-3.1(H)(4).

(b) Agenda Requirements.

For all public hearings required before any *land use board*, the *land use director* shall place the tentative meeting agenda in a local daily newspaper of general circulation at least fifteen calendar days prior to the scheduled meeting. In addition, the *land use director* shall post the tentative meeting agenda in City Hall and send a copy to neighborhood associations that are registered with the *land use director*, at least fifteen days prior to the scheduled meeting.

(c) Posting Requirements

(i) For all ENN meetings and public hearings required before a *land use board*, except appeals, the *property* shall be posted by the *applicant* with posters obtained from the *land use director* at the *applicant's* expense. At least one poster shall be prominently displayed, visible from each public and private *street* and road abutting the *property*, and securely placed on the *property* at least fifteen calendar days prior to the scheduled meeting. Placement of the posters shall be in such a manner as to not compromise public safety.

(ii) The posters shall be removed within thirty days after *final action*, and failure to do so may result in the *city* removing the poster and charging the *applicant* a civil fee of fifty dollars (\$50.00).

(d) Mailing and Emailing Requirements

Notice of a public hearing or ENN meeting shall be mailed via the United States postal service by the *applicant* at least fifteen calendar days prior the public hearing or meeting as follows:

- (i) notices shall be mailed by first class mail [~~with certificate of mailing,~~] to the *owners* of *properties* within three hundred (300) feet of the subject *property* [~~, exclusive of rights-of-way,~~] as shown in the records of the *county* treasurer, and [~~by first class mail~~] to the physical addresses of such *properties* where [~~such~~] the property's address is different than the address of the *owner*;
- (ii) notices shall also be mailed by first class mail [~~with certificate of mailing,~~] to neighborhood associations that have registered with the *land use director* and that will be directly affected by the proposed action or that have a boundary within three hundred (300) feet of the subject *property* [~~, exclusive of public rights-of-way~~]. Email notices to the neighborhood associations shall be provided on the same day the *applicant* sends postal notices;
- (iii) for zone changes of one block or less, notices to *property owners* for public hearings before the governing body or the planning commission shall be by certified mail with return receipt requested as required by Section 3-21-6 NMSA 1978;
- (iv) in the case of an *application* for a *telecommunications*



1                    *facility*, all *property owners* within the corresponding  
2                    *setback* distances listed in Section 14-6.2(E) shall also  
3                    receive notices;

4                    (v)    if a notice by certified mail of a zoning change is returned  
5                    undelivered, the *city* shall attempt to discover the *owner's*  
6                    most recent address and shall send the notice by certified  
7                    mail to that address as required by Section 3-21-6 NMSA  
8                    1978;

9                    (vi)    copies of all required mailing lists, mailing certificates and  
10                  return receipts shall be provided to the *land use director*  
11                  prior to the public hearing or ENN meeting with an affidavit  
12                  of mailing signed by the *person* who mailed the notices.

13                  (e)    Notice Requirements for *City-Initiated Development* Review Actions

14                  (i)    Agenda Requirement

15                                  Agendas must be posted and published as provided in  
16                                  Subsection 14-3.1(H)(1)(b) and (c).

17                  (ii)    Posting Requirement

18                                  [The] For a project that affects one *lot* or other clearly-  
19                                  delineated *premises*, posting must occur as provided in  
20                                  Subsection 14-3.1(H)(1)(c). For a project that affects a  
21                                  larger project area, the *city* shall securely place in the public  
22                                  *right of way* one poster at each major intersection within or  
23                                  near the plan or project area. There shall also be at least one  
24                                  poster for every three hundred (300) acres. Where the *city* is  
25                                  the *applicant* and the plan or project area is less than one city

block, one poster shall be placed within the public *right of way* at the nearest intersection to the subject *property*. All posters shall be placed at the appropriate sites at least fifteen calendar days prior to the scheduled public hearing or meeting and shall indicate the nature of the change proposed; identification of the plan or project area; and the time, date and place of the public hearing or ENN meeting.

(iii) Mailing Requirements

Mailed notice shall be provided as required in Subsection 14-3.1(H)(1)(d).

(iv) Publishing Requirements

At least fifteen days before the public hearing, the *city* must publish a display advertisement in a local daily newspaper of general circulation stating the date, time and place of the public hearing, describing the nature of the change.

(2) Notice of Public Hearing Before Governing Body

Notice shall be provided as required in Subsection 14-3.1(H)(1)(a) or (e), as applicable. In addition, the *applicant* shall publish one notice in a local daily newspaper of general circulation at least fifteen calendar days prior to the public hearing.

(3) Postponed or Recessed and Reconvened Public Hearings and Meetings

If a public hearing or ENN meeting is postponed prior to the scheduled meeting ~~[to a specific date]~~, re-notification is not necessary if notice of the new date, time and location of the meeting is clearly posted ~~[on or near the door of the]~~ at the time and place where the original public hearing or

meeting was to be held [~~and in at least one other location appropriate to  
provide public notice of the continuation of the meeting~~]. A public hearing  
or meeting may be recessed and reconvened [~~to a day subsequent to that  
stated in the meeting notice~~] without re-noticing if[, ~~prior to recessing,~~] the  
date, time and place for [~~continuation of~~] the meeting is specified  
immediately prior to recessing [~~and, immediately following the recessed  
meeting, notice of the date, time and place for the reconvened meeting is  
posted at the meeting location~~].

(4) Appeal Hearing Notice Requirements

The following shall apply to all public hearings on appeals to *land use  
boards* or to the *governing body*.

(a) Agenda Requirements

The *land use director* shall place the appeal on the agenda of the  
body hearing the appeal and shall publish and post the agenda in  
accordance with the established procedures for that body.

(b) Notice Requirements

The *appellant* shall give written notice of the appeal as follows:

(i) Form of Notice

The notice shall be in a form approved by the *land use  
director* as being adequate to ensure that the average citizen  
reading the notice will be fairly informed of the general  
purpose of what is to be considered;

(ii) Procedure for Giving Notice

The *appellant* shall give notice of the time, date and place of  
the public hearing by first class mail [~~, with certificate of~~

mailing,] postmarked at least fifteen days prior to the public hearing. The notice shall be approved by the *land use director* prior to mailing, and an affidavit of mailing shall be provided by the appellant.

(iii) Notice Recipients

The following shall receive notice: 1) all *appellants* and appellees; and 2) all *persons* or neighborhood associations that were required to be mailed notice for the *application* giving rise to the *final action* being appealed.

(c) Failure to Provide Notice

If the *appellant* fails to provide proof of proper notice in a form approved by the *land use director* prior to the public hearing on an appeal, the appeal shall be deemed withdrawn and may not be refiled. The *land use director* may waive this requirement if the *appellant* shows good cause. The *land use director's* decision is not appealable.

**Section 6. Subsection 14-3.3(A)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

(a) A text amendment may be proposed by:

(i) the governing body;

(ii) the planning commission; or

(iii) a department or agency of the *city* [ ~~or~~ ] .

~~[(iv) any other person, who must submit a request for a text amendment in writing to the governing body]~~

**Section 7. Subsection 14-3.6(C)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is**

1 amended to read:

2 (3) Approval Limited

3 A special use *permit* is granted for a specific use and *intensity*. [ ~~Any change~~  
4 ~~of use or more intense use shall comply with Chapter 14 and, if appropriate,~~  
5 ~~shall required a new or amended special use permit.~~ ] A special use permit is  
6 required for any change of use to a new or different use category that  
7 requires a special use permit as designated in Table 14-6.1-1. A special use  
8 permit is required for any significant expansion or intensification of a special  
9 use.

10 Section 8. Subsection 14-3.6(E) SFCC 1987 (being Ord. No. 2011-37, §3) is

11 amended to read:

12 (E) Expiration of Special Use Permits

- 13 (1) ~~[If the special exception use has not been exercised within three years from~~  
14 ~~the date of the approval of the special exception, the approval shall expire~~  
15 ~~and any subsequent use of the land shall conform to the provisions specified~~  
16 ~~in Chapter 14. Approval of the special use permit may be extended as~~  
17 ~~provided in Section 14-3.19.]~~ A special use permit that has not been  
18 exercised within three years from the date of the approval expires as  
19 provided in Subsection 14-3.19(B)(5). Approval of the special use permit  
20 may be extended as provided in Section 14-3.19(C).
- 21 (2) ~~[If the use approved by the special use permit ceases for any reason for a~~  
22 ~~period of more than one hundred eighty days, the special use permit shall~~  
23 ~~expire.]~~ If the use approved by the special use permit ceases for any reason  
24 for a period of more than three hundred sixty-five days, the special use

1 permit shall expire except as provided for government uses in Subsection 14-  
2 10.2(C)(2).

3 **Section 9. Subsection 14-3.7(A)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
4 **amended to read:**

5 (6) Subdivisions by Court Order

6 [~~A subdivision directed by court order shall also be subject to approval in~~  
7 ~~accordance with the procedures and standards required in Chapter 14.~~  
8 ~~Inheritance subdivisions are subject to the provisions of Subsection 14-3.7(F)~~  
9 ~~(Inheritance and Family Transfer Subdivisions).]~~

10 (a) Court proceedings must not be used to circumvent the provisions of  
11 Chapter 14 relating to the subdivision or resubdivision of *property* or  
12 to create or increase a nonconformity.

13 (b) A legal lot of record that is properly partitioned, partially condemned  
14 or otherwise divided or altered by court order as provided in Chapter  
15 42 NMSA 1978 continues to be a legal lot of record.

16 (c) Development of property that is divided or altered by court order  
17 remains subject to the standards and requirements of Chapter 14.

18 **Section 10. Section 14-3.7(F)(5)(b) SFCC 1987 (being Ord. No. 2012-37, §3) is**  
19 **amended to read:**

20 (b) Every final *plat* for an inheritance or *family* transfer subdivision shall  
21 contain the following legend prominently portrayed:

22 "NOTICE: This subdivision has been approved pursuant to the  
23 inheritance and *family* transfer provisions of the Santa Fe City Code.  
24 Procedures for inheritance and family transfer subdivision  
25 improvements are significantly different than for other types of

subdivisions. No sale or lease of any *lot* designated on this subdivision *plat* shall occur within three years of the date this transfer is legally made. Any person intending to purchase a *lot* within this subdivision should contact the *city* of Santa Fe *land use director*. Requests for construction *permits* on illegally sold *lots* shall be denied."

**Section 11. Subsection 14-3.8(B) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

**(B) Applicability**

- (1) Early neighborhood notification and notice and conduct of public hearings are required pursuant to the general provisions of Sections 14-3.1(F), (H) and (I).
- (2) A *development* plan is required in conjunction with rezoning *applications* in certain districts as provided in Chapter 14, Articles 4 (Zoning) and 5 (Overlay Zoning Districts).
- (3) Notwithstanding any code provisions to the contrary, approval of a *development* plan by the planning commission is required prior to new *development* that meets any of the following criteria:
  - (a) *gross floor area* of thirty thousand square feet or more and is located within any zoning district of the *city*;
  - (b) *gross floor area* of ten thousand square feet or more in a *residential* district or in the C-1, C-2, C-4, BCD, HZ, I-1, I2, BIP, PRRC, RS, SC or MU district and is within two hundred (200) feet, excluding public *rights of way*, of RR, R-1 through R-6, R-7, R-7-I, R-8, R-9, RC-5, RC-8, R10, R-12 R-21, R-29, RAC, AC, PRC and MH

districts;

(c) flea market with fifteen or more vendors; or

(d) outdoor *commercial recreational uses* in any zone where the total area devoted to recreation and related pedestrian circulation and amenities, excluding parking and vehicular circulation areas, exceeds fifteen thousand (15,000) square feet in any zone; provided that this provision does not apply to temporary carnivals, circuses and similar short-term entertainment uses required to obtain a *permit* from the city.

([3]4) The *development* plans described in Subsections (B)(2) and (3) shall be reviewed by the planning commission.

([4]5) This section applies where the cumulative square footage of multiple *permits* meets or exceeds the criteria in Subsections (B)(2) or (3) or a combination of those subsections when the *permits* are for coordinated *development* of a project comprising multiple *buildings* or outdoor uses, including phased projects and projects involving *development* of adjoining commonly owned *parcels*.

([5]6) This section does not apply to the construction of *single-family dwellings*, each of which has a *gross floor area* of ten thousand (10,000) square feet or less, including *accessory buildings*, on *lots* created prior to the effective date of Ordinance No. 1999-13 or on *lots* within a subdivision that was subject to early neighborhood notification procedures. This section does apply to construction of any *single-family dwelling* that has a *gross floor area* greater than ten thousand (10,000) square feet, including *accessory buildings*.

([6]7) No additional *development* plan review is required if the new or changed use



or *development* described in Subsections (B)(2) and (3) was part of a *development* plan approved as part of a rezoning or other action before the *governing body* or a *land use board*, and for which the early neighborhood notification process set forth in Section 14-3.1(F) was required.

- (8) Approval of a *development* plan by the *land use director* is required for multiple-family *development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.

**Section 12. Subsection 14-3.8(C)(1)(g) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

- (g) [øf] for residential *development*, a proposal for provision of affordable housing as required by Section 14-8.11 (Santa Fe Homes Program);

**Section 13. Subsection 14-3.8(C)(5) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

- (5) Administrative Approval Procedure [~~for Three Unit Multiple Family Developments~~]  
Approval of a *development* plan by the *land use director* as provided in Subsection 14-3.8(B)(8), does not require an ENN meeting, public hearing or public notice and is not required to be filed for record with the *county* clerk.  
~~[is required for multiple family *development* comprising three or more *dwelling units* with a *gross floor area* less than ten thousand (10,000) square feet.]~~

**Section 14. Subsection 14-3.8(C)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

- (6) Recording of Plans; Infrastructure Construction

- 1 (a) The signed original mylars of the *development* plan and associated  
2 engineering and improvement drawings shall be filed with the *land*  
3 *use director* and shall be the basis for issuance of construction  
4 *permits*. The *development* plan shall be filed for record with the  
5 *county* ~~[assessor]~~ clerk by the *land use director*.
- 6 (b) If dedication of *public rights of way* or easements are required, a  
7 separate dedication *plat* shall be recorded concurrently with the  
8 *development* plan.
- 9 (c) *Infrastructure* improvements shall comply with Article 14-9  
10 (Infrastructure Design, Improvement and Dedication Standards).

11 **Section 15. Subsection 14-3.12(B)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is**  
12 **amended to read:**

- 13 (3) Temporary *certificates of occupancy* for uses that are not intended to be  
14 temporary shall comply with the following provisions:
- 15 (a) the *land use director* shall impose conditions that ensure compliance  
16 with the provisions of Chapter 14 and other applicable regulations  
17 that protect the public health, safety and welfare;
- 18 (b) the certificate is subject to an enforceable agreement by the permittee  
19 and landowner that:
- 20 (i) does not rely on the actions of a *person* that is not a party to  
21 the agreement;
- 22 (ii) provides a schedule for meeting all provisions of Chapter 14  
23 within a reasonable time;
- 24 (iii) provides a financial guarantee in a form acceptable to the  
25 *land use director* for completion of all *public* or *quasi-public*

improvements required by Chapter 14; and

(iv) provides for revocation of the certificate by the *land use director* and termination of the approved occupancy by the permittee if the terms of the agreement are not complied with; and

(c) the temporary certificate of occupancy shall not be approved for an initial period of longer than six months. The *land use director* may approve extensions not to exceed an additional six months.

**Section 16. Subsection 14-3.13(D)(3)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

(c) If human remains are discovered, *city* officials must be contacted. If remains are determined to be deposited less than seventy-five years ago, determination of jurisdiction will be made by the ~~[county coroner]~~ New Mexico Office of the Medical Investigator. If the remains are determined to be prehistoric or isolated burials of early historical age, consultation with the Archaeological Review Committee shall be undertaken to identify an appropriate treatment plan. This treatment plan shall indicate consideration of local Native American or other religious concerns, if applicable. If the remains represent an unplatted cemetery, they may not be disturbed less a district court order is granted authorizing their removal in conformance with Section 30-12-12 NMSA 1978 as amended.

**Section 17. Subsection 14-3.16(D) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

**(D) Expiration of Variances**

[If the variance has not been exercised within twenty-four months from the date of the approval of the variance, the approval expires and any subsequent use of the land shall conform to the provisions specified in Chapter 14.] Approval of a variance expires if it is not exercised, as provided in Subsection 14-3.19(B)(5).

**Section 18.**     **[REPEAL] Subsection 14-3.17(E)(3) SFCC 1987 (being Ord. No. 2011-37, §3) is repealed.**

**Section 19.**     **Subsection 14-3.19(B)(6) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

(6) Continuing Development Activity Required

~~[Approvals of development other than subdivisions shall expire if no substantive development progress occurs for a period of three years at any time after final action approving the development. Substantive development progress includes obtaining subsequent development approvals such as a final development plan subsequent to a preliminary development plan approval and actual development of the site or off-site improvements.]~~

Approvals for the uncompleted portions of development other than recorded subdivisions expire if, at any time prior to completion of all phases of the approved development, no substantive development progress occurs:

- (a) for an approved master plan, during any interval of five years; or
- (b) for a development plan or other development approval as specified in Subsection 14-3.19(B)(5), during any interval of three years.
- (c) Substantive development progress means actual development of the site or related off-site infrastructure, filing for record of a development plan or subdivision plat for a phase of the approved development, or obtaining subsequent development approvals from a

land use board, such as a final *development* plan approval subsequent to a preliminary *development* plan approval.

**Section 20.**      **Section 14-3.19(C)(2) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

(2)      Administrative Extensions

(a)      The *land use director* may approve two consecutive extensions to the time limits for an approved *development*, each not to exceed one year. Approval shall be based on review of the findings and conditions of approval of the original *final action* and a finding by the *land use director* that no substantive changes have occurred to the regulations or policies that apply to the *development* or to the circumstances affecting the site and its vicinity. The administrative extension shall not approve revisions to the *development* or amendments to the conditions of approval, and no early neighborhood notification is required.

(b)      ~~[All actions taken by the *land use director* under this section are subject to review by the planning commission.]~~ Administrative time extensions approved by the *land use director*, pursuant to this subsection 14-3.19(C)(2), for development approvals that were granted by the planning commission or the governing body, are subject to review by the planning commission. The *land use director* shall identify the action taken and place it on a consent agenda for the planning commission. The *land use director* shall provide the planning commission with the *applicant's* written *application* and the *land use director's* written proposal. The planning commission

may accept, reject or modify the proposal.

**Section 21. Subsection 14-4.3(G) SFCC 1987 (being Ord. No. 2011-37, §4) is  
amended to read:**

**(G) I-2 General Industrial District**

The I-2 district is intended primarily for general manufacturing and closely related uses. Also allowed in the district are commercial and other uses allowed in some commercial districts. To avoid burdensome regulations on general manufacturing but at the same time to provide adequate limitations on the development of industries incompatible with the city's general industrial characteristics, regulations for this district are intended to provide protection principally against effects harmful to other districts. These regulations do not afford the same level of protection for commercial and other allowed uses not related to general manufacturing as such uses would receive if located in districts primarily designed for them. ~~[It is the intent that this district not restrict commercial activity, but that its development not be encouraged.]~~

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Section 22. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create a new footnote for the Table:

CATEGORY Specific Use	RR	R- 1	R- 7	R- 10	RC- 5,	R- 7	R- 1	R- 10	R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I 1	I 2	BIP	SC- 1	SC- 2	SC- 3	MU *** —	Use- Specific Regs 14-6.2

\*\*\*See Section 14-7.3(B)(1) for additional MU district regulations including minimum percentage of residential use.

Section 23. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses to create an Emergency Services Category Related to Police and Fire Stations and Substations:

CATEGORY Specific Use	RR	R- 1	R- 7	R- 10	RC- 5,	R- 7	R- 1	R- 10	R- 29	MHP	RAC	AC**	C-1	C- 2	C- 4	HZ	BCD	I- 1	I- 2	BIP	SC- 1	SC- 2	SC- 3	MU 14-6	Use- Spec Reg 14-6
PUBLIC, INSTITUTIONAL AND CIVIC																									
Emergency Services																									
Police and fire stations	S	S	S	S	S	S	S	S	S	S	S	S	P	P	P	P	P	P	P	P	P	P	P	P	P
Police substations (6 or fewer staff)	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

**Section 24. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses for**

**the Food and Beverage Category Related for Bar, Cocktail Lounge, Nightclub Use, No Outdoor Entertainment:**

CATEGORY	R-1	R-7	R-7-I	RC-5, RC-8	R-10	R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I	I	BIP	SC-1	SC-2	SC-3	Use-Specific Regs 14-6.2	
Specific Use	RR	R-6	R-9	R-7-I	RC-5, RC-8	R-10	R-29	MHP	RAC	AC**	C-1	C-2	C-4	HZ	BCD	I	I	BIP	SC-1	SC-2	SC-3	MU
Food and Beverages																						
Bar, cocktail lounge, nightclub, no outdoor entertainment										S <sup>3</sup>	S <sup>3</sup>	P*				P			P*	P*	P*	P <sup>2</sup>

**Section 25. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses**

**regarding flea markets:**

CATEGORY Specific Use	RR	R- 1	R- 7	R- 7	R- 5, RC- 8	R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I	I	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
<b>COMMERCIAL</b>																						
<b>Retail Sales and Services</b>																						
Flea markets											P				P							[C(4)] (C)(3)



Section 26. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding individual storage areas:

CATEGORY Specific Use	RR	R- 1	R- 7	R- 7 - R- 9	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I - 1	I - 2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
Storage																					
Individual storage areas within a completely enclosed building										S				P	P	P	P	P	P		(D)(2)

Section 27. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §4) is amended to amend the Table of Permitted Uses

regarding vacation time share projects:

CATEGORY Specific Use	RR	R- 1	R- 7	R- 7 - R- 9	R- 10 - R- 29	MHP	RAC	AC**	C- 1	C- 2	C- 4	HZ	BCD	I - 1	I - 2	BIP	SC- 1	SC- 2	SC- 3	MU	Use- Specific Regs 14-6.2
COMMERCIAL																					
Public Accommodation																					
Vacation time share projects										P				P	P						[(C)(8)] (C)(7)

Section 28. Table 14-6.1-1 SFCC 1987 (being Ord. No. 2011-37, §8) is amended to amend the following footnote in the Table of Permitted Uses:

\*Special use *permit* required if located within 200 feet [~~excluding rights-of-way,~~] of *residentially-zoned property*; otherwise permitted.

Section 29. Subsection 14-6.2(C)(1)(b) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:

(b) Location of Sexually Oriented Businesses

- (i) A *sexually oriented business* shall not be located or presented in a *residential* district, even temporarily; within one thousand (1,000) feet of a district zoned for *residential* uses or a district in which *single-family dwellings* or *multiple-family dwellings* are allowed as *principal* uses and *structures*; or within one thousand (1,000) feet of any *parcel* of real *property* on which is located any of the following facilities: 1) a school, academy, center or other entity that provides instruction primarily for and attended by minors; 2) a religious institution that conducts religious services, education classes or other gatherings for minors; 3) a public park, playground or public recreation facility; 4) eating and drinking establishments; 5) *hotels, motels*, rooming and boarding houses; 6) commercial *recreational uses* and *structures* such as theaters and bowling alleys; 7) private day-care nurseries and kindergartens; or 8) libraries.
- (ii) This ~~[section]~~ Subsection 14-6.2(C)(1) *Adult Entertainment Facilities* does not apply to *sexually oriented businesses*

existing at the time of adoption of [~~this section~~] Ordinance No. 2000-8 on February 9, 2000. Such *businesses* shall be considered *nonconforming* uses and *structures* and shall be governed by Article 14-10 (Nonconformities).

**Section 30. Subsection 14-6.3(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §3) is amended to read:**

- (a) The following *accessory* uses and *structures* are permitted in the RR, R1-R-6, R-7, R-7(I), R-8, R-9, RC-5, RC-8, R-10, R-21, R-29, RAC, C-1, C-4 and HZ districts:
- (i) *home occupations*, as provided for in Subsection 14-6.3(D)(~~[+]~~ 2);
  - (ii) noncommercial *greenhouses* and plant nurseries;
  - (iii) private *garages*;
  - (iv) *utility sheds*, located within the *rear yard* only;
  - (v) children's play areas and play equipment;
  - (vi) private barbeque pits and private swimming pools;
  - (vii) except in the RR district, *accessory dwelling units* as regulated in Subsection 14-6.3(D)(1);
  - (viii) other uses and *structures* customarily accessory and clearly incidental and subordinate to permitted or permissible uses and *structures*; and
  - (ix) *accessory structures* of a permanent, temporary or portable nature such as coverings not constructed of solid building materials, including inflatable covers over swimming pools and tennis courts, and such other *accessory structures* that

exceed thirty inches in height from the average ground  
elevation.

**Section 31. Subsection 14-6.3(B)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §3) is  
amended to read:**

(c) The following activities are prohibited within residentially zoned districts:

- (i) storage or parking, either continuous or intermittent, of commercial or industrial vehicles, other than those authorized by a special use permit or other permitted non-residential use. Commercial or industrial vehicle means vehicles designed for business purposes, including any vehicle requiring a commercial driver's license to operate; tour buses, school buses, tow trucks, earthmoving or grading equipment, tractors (except lawn tractors) or other motorized construction or agricultural equipment; trailers, light trucks or other vehicles designed for business purposes. Commercial or industrial vehicles do not include recreational vehicles and trailers related to recreational vehicles used for personal purposes. Commercial or industrial vehicles do not include passenger cars and small trailers that may be used for business purposes related to a registered home occupation business;
- (ii) outdoor storage of construction materials, except in connection with active construction activities on the *premises*;
- (iii) storage of mobile homes; and
- (iv) recreational vehicles used as *dwelling units*.

**Section 32. Subsection 14-6.3(D)(2)(c) SFCC 1987 (being Ord. No. 2011-37, §8) is  
amended to read:**

(c) General Standards

(i) The *home occupation* shall involve the primary sale of goods or services in connection with the *home occupation*, including: 1) goods that are prepared, produced or grown on the *premises*; 2) services that are developed on the *premises* and provided on or off the *premises*; 3) the sale of goods that are not produced on the *premises* and that are only distributed off the *premises*; or 4) repair services that take place solely within the home.

(ii) The *home occupation* shall be located on the same *lot* as the permitted *principal* use or *structure* or on a contiguous *lot* in the same ownership.

(iii) The *home occupation* shall be conducted by ~~a person residing on~~ the *business owner* who resides continuously for a substantial period of time at the *premises* in which the *home occupation* is conducted. Continuous residence is determined by the Land Use Director by review of relevant factors. The address listed on a driver's license, voter registration or tax return may not be sufficient to establish continuous residence.

(iv) Not more than two persons, other than members of the *family* ~~[residing]~~ who reside on the *premises*, ~~[in which a home occupation is conducted,]~~ shall be regularly engaged in the *home occupation*. ~~[Residency shall be established by any standard identification that proves residency such as a~~

1 ~~driver's license, passport or voter registration or other~~  
2 ~~documentation that proves that the person conducting the~~  
3 ~~home occupation has resided at the site of the home~~  
4 ~~occupation for one month or more.]~~

5 ([i]v) Except for on-street parking, as set forth in this section, a  
6 home occupation shall be completely contained within the  
7 property lines of the lot on which the home occupation is  
8 located. A home occupation shall be in compliance with the  
9 performance standards set forth in Section 10-4 SFCC  
10 (General Environmental Standards); not produce any  
11 offensive noise, vibration, smoke, dust, odors, heat, gas,  
12 glare or electrical interference; or otherwise create a risk to  
13 health, safety or property of residents and occupants of  
14 adjacent and neighboring properties. The storage of  
15 firearms, ammunition, fireworks or similar explosives for  
16 sale or service is prohibited. Mechanical or electrical  
17 equipment that is incidental to the home occupation may be  
18 used if it does not create visible or audible interference in  
19 radio, computer or television receivers or cause fluctuation  
20 in voltage of the premises or neighboring premises.  
21 Depending upon the nature of the home occupation, land use  
22 director may require proof of compliance with these  
23 restrictions prior to issuance of a business registration. (Ord.  
24 No. 2012-11 § 17)

25 (vi) Employees, customers, clients or deliveries shall not enter

the *premises* between the hours of 7:00 p.m. and 8:00 a.m. weekdays and 7:00 p.m. and 10:00 a.m. weekends. Depending on the nature of the *home occupation*, the *land use director* may reduce the hours of operation. Deliveries are limited to vehicles that do not exceed eleven (11) feet in height and twenty (20) feet in length.

**Section 33. Subsection 14-6.4(A) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:**

**(A) Temporary Structures and Uses Allowed in All Districts**

The following *temporary structures* and uses are allowed in all districts: *temporary structures* and operations in connection with and on the site of construction [~~*buildings*~~] or land *development*, including *grading*, paving, installation of utilities, erection of field offices, erection of *structures* for storage of equipment and building materials and the like; provided that a *permit* shall not be for a period of more than twelve months, renewable for periods of not more than six months. In addition, the area occupied by the *temporary structures* and operations shall be *screened* against fumes, noise and unsightliness.

**Section 34. Subsection 14-6.4(C) SFCC 1987 (being Ord. No. 2011-37, §8) is amended to read:**

**(C) Temporary Structures Treated as Permanent Structures**

*Structures* other than temporary structures described in Subsection 14-6.4(A) that remain in place for a period of more than thirty days in a *nonresidential* district or ninety days in a *residential* district are subject to the same provisions of Chapter 14 as permanent *structures*, whether or not they are permanently affixed to the ground or constructed of lightweight or nondurable materials.

Section 35. Subsection 14-7.1(B) SFCC 1987 (being Ord. No. 2011-37, §9) is  
amended to read:

(B) Dimensional Calculations

(1) Lot Area

Minimum required *lot* area for *residential* subdivisions is calculated  
excluding *rights of way, street* and driveway easements.

(2) Lot Depth

The depth is measured between the front and rear *lot* lines, perpendicular to  
the front *lot* line. In the case of irregularly shaped *lots*, the depth shall be the  
average of all such measurements along the front *lot* line.

(3) Reserved

(4) Lot Coverage

*Lot* coverage is measured by the total projected area on the ground of all  
*structures* in relation to the *lot* area, excluding:

- (a) the types and portions of *structures* listed in Subsection 14-  
7.1(D)(2); ~~[and]~~
- (b) eaves and similar roof projections within two (2) feet of the wall of a  
*building* [-] ; and
- (c) the portion of the *lot* occupied by easements for private roads and *lot*  
*access driveways*.

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Section 36. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend minimum yard requirements R-1 – R-6:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Qualifying Open Space (Square Feet) <small>Note 9, 10</small>
R-1 R-2 R-3 R-4 R-5 R-6	R1=1; R-2=2; R-3=3; R-4=4; R-5=5; R-6=6	Area: Single-family dwellings: 4,000 sq. ft. minimum; 2,000 sq. ft. if common open space is provided (Note 3) Multiple-family dwellings: 4,000 sq. ft. per dwelling unit	Residential structures: 24; Nonresidential structures: 35 (See Note 6 for required height stepback from side and rear property lines)	Street: 7 (20 for garage or carport; <small>Note 4</small> ) Side: 5 or 10 (See Note 6 for required height stepback from side and rear property lines) Rear 15, or 20% of the average depth dimension of lot, whichever is less	40; <u>may increase to</u> 50 if private open space is provided (See §14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single family dwellings: <u>None except as provided for lot size averaging per Note 3</u> Multiple-family dwellings: common open space = 50% total gross floor area of all buildings, plus private open space = 25% of gross floor area of each unit

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Section 37. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend maximum lot coverage requirements for RC-5 and RC-8 districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <small>Note 2</small>	Minimum Lot Size <small>Note 2, Note 3</small>	Maximum Height of Structures <small>Notes 6,8</small>	Minimum Yard Requirements (feet) <small>Notes 5, 6, 7</small>	Maximum Lot Coverage (%) <small>Note 10</small>	Minimum Required Qualifying Open Space (Square Feet) <small>Note 9, 10</small>
RC-5 RC-8	Gross Density Factor: RC-5=5; RC-8=8 <small>Note 7</small>	Area: 4,000 sq. ft. Also see § 14-7.1(B)(4)(a): “Minimum Open Space Requirements”	All structures: 24 Gross floor area of all stories above the ground level shall not exceed 50 percent of the ground floor area; provided that in calculating the allowable second floor area of attached buildings the total gross heated area of the attached buildings shall be used regardless of ownership status.	<small>Note 4:</small> Street: None required if wall between 6 and 8 feet high is built between building and street; otherwise, 15-foot setback required. Side: 5-foot side setback required. Rear: If wall between 6 and 8 feet high is built, 5-foot rear setback required, and if no wall, 15-foot setback required. No portion of any story above ground-level story shall be closer than 15 feet from property line.	Without compound dwelling units: [40] <u>Same as R-7 to R-9 districts.</u> With compound dwelling units: See § 14-7.5(C)(1)(C): Increase in maximum lot coverage if private open space is provided.	Same as R7 to R-9 districts

Section 38. Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Residential Districts to amend minimum yard requirements for R-10 through R-29 and RAC districts:

TABLE 14-7.2-1: Table of Dimensional Standards for Residential Districts (Note 1)						
DISTRICT	Max. Gross Density (dwelling units per acre) <sup>Note 2</sup>	Minimum Lot Size <sup>Note 2, Note 3</sup>	Maximum Height of Structures <sup>Notes 6,8</sup>	Minimum Yard Requirements (feet) <sup>Notes 5, 6, 7</sup>	Maximum Lot Coverage (%) <sup>Note 10</sup>	Minimum Required Qualifying Open Space (Square Feet) <sup>Note 9, 10</sup>
R-10 R-12 R-21 R-29	R-10=10; R-12, R-21 and R-29=10 or per development plan or special use permit approval (see 14-7.2(F))	Area: Single-family: 3000 sq. ft. (may be reduced to 2000 sq. ft. if common open space is provided) <sup>Note 3</sup> Multiple-family: As required to comply with gross density factor.	R-21 and R-29: 24 (36 with development plan or special use permit approval, see 14-7.2(E)). R-10 and R-LD: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for <del>[R-6]</del> <u>R-7</u> through R-9 districts. (See Note 6 for required height stepback from side and rear property lines)	Multiple-family of 6 or more units: 40 single-family, two-family, or multiple-family of less than 6 units: 40; 70 if private open space is provided. (See § 14-7.5(C)(1): Increase in maximum lot coverage if private open space is provided.)	Detached single-family dwellings or multiple-family dwellings: 250 square feet of common and/ or private open space per unit
RAC	<u>21</u>	Same as R-21 district.	All structures: 24 (See Note 6 for required height stepback from side and rear property lines)	Same as for <del>[R-6]</del> <u>R-7</u> through R-9 districts.	40; Also see § 14-7.2 (H): "Maximum Nonresidential Use Area in RAC District."	Same as for R-21 district

1           **Section 39.     Table 14-7.2-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to**  
2 **amend Note 6 as follows:**

3           6. Within ten feet of a side or rear property line, no point on a *structure* shall be higher than  
4 fourteen feet above the finished grade at the closest point on the perimeter of the *structure*. Within  
5 fifteen feet of a side or rear property line, no point on a *structure* shall be higher than twenty-four feet  
6 above the finished grade at the closest point on the perimeter of the *structure*.

7           **Section 40.     Subsection 14-7.2(F) SFCC 1987 (being Ord. No. 2011-37, §9) is**  
8 **amended to read:**

9           **(F)     Increase in Maximum Density in R-12, R-21 and R-29 Districts**

10           (1)     *Residential density* up to twelve *dwelling units* per acre in an R-12 district;  
11                   up to twenty-one *dwelling units* per acre in an R-21 district; and up to  
12                   twenty-nine *dwelling units* per acre in an R-29 district may be approved  
13                   provided that the proposed *density* is part of a *development* plan or special  
14                   use *permit* requiring approval by a *land use board* or the *governing body*.

15           (2)     In evaluating the proposed density, the following factors shall be considered:

- 16                   (a)     if the future land use designation shown on the *general plan* is high  
17                             *density residential*;
- 18                   (b)     the need for the increased *density*; however, financial gain or loss  
19                             shall not be the sole determining factor;
- 20                   (c)     if the increased *density* is needed to make the proposed *development*  
21                             more affordable, what level of affordability will be provided and  
22                             how that affordability will be guaranteed long term;
- 23                   (d)     *densities* of existing *developments* in the vicinity; and
- 24                   (e)     impacts of the increased *density* on the neighborhood and the  
25                             community so that the increased *density* does not significantly

interfere with the enjoyment of other land in the vicinity and is consistent with the spirit of Chapter 14 and in the general public's interest.

(3) In approving the proposed density, the planning commission or board of adjustment may establish such conditions as the commission or board deems appropriate.

(4) The provisions of this Subsection 14-7.2(F) do not apply to construction or modification of an individual single-family dwelling and related accessory structures on a legal lot of record.

**Section 41.** Table 14-7.3-1 SFCC 1987 (being Ord. No. 2011-37, §9) is amended to amend the Table of Dimensional Standards for Nonresidential Districts for residential standards in C-1 and C-4 districts:

<b>TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)</b>				
<b>D I S T R I C T</b>	<b>Minimum District and Lot Size</b>	<b>Maximum Height of Structures</b>	<b>Minimum Setback Requirements (feet) See Note 1 for additional setback regulations</b>	<b>Maximum Lot Coverage (%) See Note 8 for non-residential open space requirements</b>
C-1	Same as R-21 district <u>including residential density and open space requirements</u> : See Table 14-7.2-1	36	Nonresidential Uses: Street: 10 Side: 5 Rear: 10 Residential Uses: Same as for R-21 district.	Nonresidential Uses: 60  Residential Uses: 40
C-2	None  Also see §14-7.5(D)(8)(c): Open Space Requirements	45	Street: 15 Side: 0 Rear: 10 (See Note 2 for setback abutting residential district)	60
C-4	Same as R-21 zoning district <u>including residential density requirements</u> :	24 (See note 6 for height stepback from property lines)	(See note 6 for height stepback from property lines) Nonresidential Uses: Street: 10 Side: 5	Nonresidential Uses: 60  Residential Uses: 40

TABLE 14-7.3-1: Table of Dimensional Standards for Nonresidential Districts (Note 1)				
D I S T R I C T	Minimum District and Lot Size	Maximum Height of Structures	Minimum Setback Requirements (feet) See Note 1 for additional setback regulations	Maximum Lot Coverage (%) See Note 8 for non-residential open space requirements
	See Table 14-7.2-1  Also see 14-7.5(D)(8)(d): "Minimum Open Space Requirements"		Rear: 10 Residential Uses: Same as R-21 zoning district	

Section 42. Subsection 14-7.4(B)(2)SFCC 1987 (being Ord. No. 2011-37, §9) is amended to read:

(2) Standards for Redevelopment Subdistricts

(a) Land-use Intensity:

(i) transfer of allowed floor area, including *land use intensity credits*, within a *property* or between contiguous *properties* with a single ownership and within a project is allowed; and

(ii) *public benefit uses* shall not count against the allowable floor area for a *parcel*.

(iii) The maximum *baseline floor area ratio* permitted is 2.5:1 unless provided otherwise in the master plan or at the time of rezoning pursuant to Subsection 14-4.3(E)(4)(b)(ii).

(b) Maximum Height of Buildings

The maximum *building* height permitted in a redevelopment subdistrict shall not exceed sixty-five (65) feet; provided, however, that the maximum height shall be compatible with the character of adjacent subdistricts and the surrounding neighborhood.

(c) Additional Standards

Additional standards for redevelopment subdistricts are located in the subdistrict master plan. *Development* in a redevelopment subdistrict shall comply with the master plan. If no master plan has been approved for a portion of a redevelopment subdistrict, development must conform to the standards of the adjacent or nearest BCD subdistrict.

**Section 43. Subsection 14-8.2(C)(2) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:**

(2) The preparation of submittals shall be as provided in this Subsection 14-8.2(C)(2) and in accordance with the provisions of Chapter 61 NMSA 1978 (Professional and Occupational Licensing) regulating the practice of architecture, *landscape* architecture, engineering and land surveying.

(a) *Grading* submittals for minor *development* or for *grading* incidental to the construction or modification of a *structure* may be prepared by any person, including the homeowner, who has the legal authority to design the *structure*; however, the *city engineer* may require that submittals be prepared and signed by a *professional engineer, architect, professional land surveyor* or *landscape architect* licensed in New Mexico if necessary to fulfill the requirements of this Section 14-8.2, Chapter 61 NMSA 1978 or applicable regulations;

(b) Submittals for *development* other than minor *development* or incidental to the construction or modification of a *structure* shall be prepared as follows:

(i) topographic plans shall be prepared and certified by a *professional engineer* or *professional land surveyor*;

- 1 (ii) stormwater management submittals for master plans,  
2 subdivisions and *development* plans shall be prepared and  
3 certified by a *professional engineer*. Stormwater  
4 management submittals for all other types of *development*  
5 shall be prepared by a *professional engineer* or an *architect*  
6 or *landscape architect* registered in New Mexico; and  
7 (iii) site restoration submittals shall be prepared and certified by  
8 a *professional engineer, architect or landscape architect*  
9 licensed in New Mexico.

10 **Section 44. Subsection 14-8.2(D)(1)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is**  
11 **amended to read:**

12 (D) Standards for All Grading

13 When a construction *permit* for *grading* is required by this Section 14-8.2,  
14 *applications* for the *permit* shall show compliance with the following minimum  
15 standards:

16 (1) Cut and Fill Slopes

- 17 (a) exposed cut *slopes* on a site shall not exceed ten (10) feet in height,  
18 except as otherwise permitted by this Section 14-8.2. In no case  
19 shall the height of a cut exceed the height of any *building*  
20 constructed in the *excavated* area;  
21 (b) *fill slopes* on a site shall not exceed fifteen (15) feet in height.  
22 Retaining *walls* for *fill slopes* shall be no greater than six (6) feet in  
23 height as provided in Section 14-8.5(B)(1), except as otherwise  
24 provided in Section 14-5.6(G) (Escarpment Overlay District  
25 Landscaping). *Fill slopes* shall be no steeper than 3:1, unless a



structural alternative such as a retaining *wall* or some other measure acceptable to the *city engineer* is provided;

(c) *cut or fill slopes* for roads shall not exceed fifteen (15) feet in height; and

(d) all *cut slopes* that are not stabilized by a retaining *wall* or some other measure acceptable to the *city engineer*, shall be no steeper than 2:1, unless a structural alternative is provided or unless it can be demonstrated by a geotechnical study that existing soils will naturally accommodate a steeper *slope* and acceptable revegetation or other *erosion* control can be achieved;

**Section 45.     Section 14-8.3(A)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:**

(A)     Adoption of Special Flood Hazard Areas

(1)     The *city* adopts the *special flood hazard areas* identified by FEMA in the current scientific and engineering report entitled, "The Flood Insurance Study (FIS) for Santa Fe County, New Mexico and Incorporated Areas," with accompanying *FIRM*, effective *June 17, 2008 and December 4, 2012*.

(2)     The *city* may adopt and establish other *flood hazard zones* or elevations as identified in:

(a)     subsequent *drainage* studies prepared for and accepted by the *city*;

(b)     subsequent letters of map amendment and letters of map revision, as prepared for and accepted by FEMA; and

(c)     other known *flood hazard zones* identified by the *floodplain administrator* and adopted by the *governing body*.

1           **Section 46. Subsection 14-8.4(B)(1) SFCC 1987 (being Ord. No. 2011-37, §10) is**  
2 **amended to read:**

3           (1) This Section 14-8.4 applies to, and a *landscape* plan that demonstrates  
4 compliance of the entire *property* with this Section 14-8.4 is required with,  
5 the following:

6           (a) *applications* for subdivision *plat* approval, except *lot split* and  
7 *resubdivision plats*;

8           (b) *applications* for *development* plan approval;

9           (c) *applications* for master plan approval;

10          (d) *applications* for construction *permits* and special use permits as  
11 follows:

12           (i) all *new nonresidential* and *multiple-family* construction  
13 resulting in an enclosed *structure* with a *gross floor area*  
14 greater than one thousand (1,000) square feet; and

15           (ii) for additions or remodeling of existing *nonresidential* and  
16 *multiple-family structures* with a construction valuation  
17 over one hundred thousand dollars (\$100,000), *landscape*  
18 improvements to comply with this Section 14-8.4, as  
19 prioritized by the *land use director*, shall be required up to a  
20 total cost of twenty percent of the construction valuation;  
21 and

22           (e) development on city-owned land.

23           **Section 47. Subsection 14-8.4(G)(3) SFCC 1987 (being Ord. No. 2011-37, §10) is**  
24 **amended to read:**

25           (3) Location of Street Trees:

- (a) *street trees* shall be located on the subject *property* adjacent to the *property* line, unless location within the *right of way* is approved by the planning commission or the public works director. *Street trees* located within the *right of way* shall be planted in compliance with Chapter 23 SFCC 1987 (Streets, Sidewalks and Public Places) and in compliance with adopted median and parkway standards;
- (b) on major and secondary arterials, trees shall be planted in a minimum ten (10) foot wide [~~*planting strip*~~] *parkway* that includes the width of the sidewalk or other pedestrian way. If existing *development* precludes provision of the ten (10) foot wide [~~*planting strip*~~] *parkway*, trees shall be planted in a space no smaller than five (5) feet by thirteen (13) feet and preferably multiple trees in longer *planting strips*;
- (c) *street trees* should be planted to the greatest extent possible in *swales* or basins that collect run-off and precipitation;
- (d) *street trees* shall be located at least fifteen (15) feet from light standards, so as not to impede outdoor illumination;
- (e) *street trees* shall be located at least fifteen (15) feet from fire hydrants so as not to interfere with hydrant operation;
- (f) *street trees* located under utility lines shall be a species that maintains a minimum of five (5) feet of clearance from overhead utility lines at maturity; and
- (g) street trees shall not be required on single-family residential lots.

**Section 48. Section 14-8.5(B)(2)(a) SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:**

(a) On a property developed for residential use or on undeveloped property zoned for residential use, no fence shall exceed six (6) feet in height [-] except that:

(i) along the common property line with a property developed for or zoned for nonresidential use, the maximum height of fences is eight (8) feet; and

(ii) [~~W~~] within a residential compound, the maximum height of fences is eight (8) feet.

(b) On a property developed for nonresidential use or on undeveloped property zoned for nonresidential use, no fence shall exceed eight (8) feet in height.

(c) Walls and fences may exceed the height limit over pedestrian or vehicular gates.

**Section 49. Subsection 14-8.6(B)(4)(c) SFCC 1987 (being Ord. No. 2011-37, §10, as amended) is amended to read:**

(c) Parking required for uses located on adjoining lots in RAC, C, BCD, BIP, MU, SC or I districts, or for institutional uses located on adjoining lots in residential districts, may be provided on a joint basis. Within the joint parking areas, the spaces required for each of the participating uses shall be marked on the parking plan and maintained as allocated to the individual use, unless a shared parking plan is approved.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

Section 50. Table 14-8.7-1 SFCC 1987 (being Ord. No. 2011-37, §10) is amended to read:

TABLE 14-8.7-1: Point Requirements by Zoning District	
Zoning District	Points Required
C-1, C-2, C-4, BCD, PRRC, SC, HZ, MU	205
RR, R-1 - R-6, R-7, R-8, R-9, R-10 - R-29, RC-5, RC-8, PRC, [RM], RAC, AC	180
I-1, I-2, BIP	155

Section 51. Subsection 14-8.10(D)(5) SFCC 1987 (being Ord. No. 2001-38, §2, as amended) is amended to read:

- (5) *Signs* for private day-care facilities and kindergartens, the number of which shall not exceed one and the area of which shall not exceed one square foot [as set forth in Section 14-6.2(B)(5)].

Section 52. Subsection 14-8.10(G)(8)(d) SFCC 1987 (being Ord. No. 2001-38, §2, as amended) is amended to read:

- (d) All free-standing *signs* along Cerrillos Road shall meet the *buildingsetback* requirements set forth in Section [14-5.5(B)(3)(a)] 14-5.5(B)(4)(a). However, in the case of properties flanked on one or both sides by existing *buildings* that encroach into the required *setback* distance, the freestanding *signsetback* may be reduced to correspond to either the average of the adjacent *buildingsetbacks*, or to the average of an adjacent *buildingsetback* and the required *buildingsetback*. Only one freestanding *sign*, meeting the area requirements in Subsections (a) through (c) above, is allowed per *legal lot of record*;

Section 53. Subsection 14-8.14(E)(3) SFCC 1987 (being Ord. No. 2011-37, §11, as

amended) is amended to read:

(3) The fee schedule in this Subsection 14-8.14(E)(3), also referred to as the "new" fee schedule, shall be used and its fees assessed on *plats* and *development* plans that receive final approval from the *city* or the *state* construction industries division after June 30, 2008. The "new" fee schedule shall also be applied to construction *permits* issued after June 30, 2008, except where the *permit* is issued for a subdivision or for a *development* plan that is still subject to the "old" fee schedule.

#### NEW FEE SCHEDULE

Land Use Type Single-Family Detached Dwelling or Manufactured Home	Unit	Roads	Parks	Fire	Police	Total
Heated Living Area:						
(0 to 1,500 sq. ft.)	Dwelling	\$1,850	\$1,111	\$125	\$44	<b>\$3,130</b>
(1,501 to 2,000 sq. ft.)	Dwelling	\$2,100	\$1,214	\$136	\$48	<b>\$3,498</b>
(2,001 to 2,500 sq. ft.)	Dwelling	\$2,183	\$1,328	\$150	\$53	<b>\$3,714</b>
(2,501 to 3,000 sq. ft.)	Dwelling	\$2,248	\$1,379	\$155	\$55	<b>\$3,837</b>
(3,001 to 3,500 sq. ft.)	Dwelling	\$2,309	\$1,418	\$159	\$56	<b>\$3,942</b>
(3,501 to 4,000 sq. ft.)	Dwelling	\$2,359	\$1,444	\$163	\$58	<b>\$4,024</b>
(more than 4,000 sq. ft.)	Dwelling	\$2,424	\$1,495	\$169	\$59	<b>\$4,147</b>
<b>Accessory dwelling unit (attached or detached)</b>						
Heated Living Area:						
(0 to 500 sq. ft.)	Dwelling	\$518	\$324	\$37	\$13	<b>[\$891]</b>

*Substitute Bill  
With Amendments Incorporated*

<b>Land Use Type Single-Family Detached Dwelling or Manufactured Home</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
						<b><u>\$892</u></b>
(501 to 1,000 sq. ft.)	Dwelling	\$1,036	\$647	\$73	\$26	<b>\$1,782</b>
(1,001 to 1,500)	Dwelling	\$1,554	\$971	\$110	\$39	<b>\$2,674</b>
Other (Apts., Condos, S.F. Attached Guest House)	Dwelling	\$1,554	<del>[\$97]</del> <u>\$971</u>	\$110	\$39	<b>\$2,674</b>
Hotel/Motel	Room	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Retail/Commercial</b>	G.F.A.					
Shopping Center/General Retail	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
Auto Sales/Service	1000 sq. ft.	\$2,180	\$0	\$221	\$78	<b>\$2,479</b>
Bank	1000 sq. ft.	\$4,948	\$0	\$221	\$78	<b>\$5,247</b>
Convenience Store w/Gas Sales	1000 sq. ft.	\$8,778	\$0	\$221	\$78	<b>\$9,077</b>
Health Club, Recreational	1000 sq. ft.	\$4,394	\$0	\$221	\$78	<b>\$4,693</b>
Movie Theater	1000 sq. ft.	\$10,412	\$0	\$221	\$78	<b>\$10,711</b>
Restaurant, Sit-Down	1000 sq. ft.	\$5,083	\$0	\$221	\$78	<b>\$5,382</b>
Restaurant, Fast Food	1000 sq. ft.	\$11,064	\$0	\$221	\$78	<b>\$11,363</b>
Restaurant, Pkgd Food	1000 sq. ft.	\$4,597	\$0	\$221	\$78	<b>\$4,896</b>
<b>Office/Institutional</b>	G.F.A.					
Office, General	1000 sq. ft.	\$2,429	\$0	\$124	\$44	<b>\$2,597</b>
Medical Building	1000 sq. ft.	\$3,903	\$0	\$124	\$44	<b>\$4,071</b>
Nursing Home	1000 sq. ft.	\$1,354	\$0	\$124	\$44	<b>\$1,522</b>

<b>Land Use Type Single-Family Detached Dwelling or Manufactured Home</b>	<b>Unit</b>	<b>Roads</b>	<b>Parks</b>	<b>Fire</b>	<b>Police</b>	<b>Total</b>
Church	1000 sq. ft.	\$1,521	\$0	\$124	\$44	<b>\$1,689</b>
Day Care Center	1000 sq. ft.	\$3,202	\$0	\$124	\$44	<b>\$3,370</b>
Educational Facility	1000 sq. ft.	\$586	\$0	\$124	\$44	<b>\$754</b>
Educational Facility Dorm Room	1000 sq. ft.	\$1,203	\$0	\$82	\$29	<b>\$1,314</b>
<b>Industrial</b>	G.F.A.					
Industrial, Manufacturing	1000 sq. ft.	\$1,610	\$0	\$74	\$26	<b>\$1,710</b>
Warehouse	1000 sq. ft.	\$1,147	\$0	\$47	\$16	<b>\$1,210</b>
Mini-Warehouse	1000 sq. ft.	\$417	\$0	\$47	\$16	<b>\$480</b>

**Section 54. Subsection 14-8.14(E)(5) SFCC 1987 (being Ord. No. 2011-37, §11, as amended) is amended to read:**

(5) If the type of new *development* for which a construction *permit* is requested is not specified on the fee schedule, the *impact fee administrator* shall determine the fee on the basis of the fee applicable to the most nearly comparable type of land use on the fee schedule. The following shall be used as a guideline for impact fee determination when the specific use is not identified in the fee chart.

(a) Residential

- (i) a *home occupation business* shall be charged according to the fee schedule for the appropriate *residential* category; and
- (ii) the *hotel/motel* ancillary use fee shall apply to meeting rooms, lobby area and general use areas of the facility.



Retail and restaurant square footage shall be charged under the commercial use category.

(b) Retail/Commercial

- (i) the general retail fee shall be used for a hair salon, *laundromat*, dry cleaner, garden center/nursery retail display area, gas station without a convenience store and inventory storage for a retail *business*, including growing area for a garden center/nursery;
- (ii) the bank fee assessment shall include the square footage of any drive-through kiosk and parking area with or without a roof;
- (iii) the restaurant fast food fee shall include square footage for the drive-through kiosk and parking area with or without a roof; and
- (iv) the packaged food restaurant fee shall be used for a restaurant or bar that does not have any food preparation facilities.

(c) Office/Institutional

- (i) the *office* general fee shall be used for a studio that is not *residential* and not retail;
- (ii) the *office* general fee shall be used for a medical office that does not have any medical equipment, such as an *office* for psychiatry;
- (iii) the medical *office* fee shall be used for an animal hospital; and

(iv) the nursing home fee shall be used for an assisted living facility.

(d) Industrial

(i) the warehouse fee shall be used for an animal shelter, storage that is not inventory storage or maintenance equipment; and

(ii) the mini-warehouse fee shall be used for a single storage unit or for multiple storage units.

(e) Development Outside of Buildings

The impact fees for *development* of land outside of *buildings* that increases the demand for capital facilities is determined by application of the fee for the corresponding type of *building* or by preparation of an independent fee calculation study.

**Section 55. Section 14-9.2(C)(8) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:**

(8) Specific construction and engineering standards, *lot* access driveways and *streets* classified as lanes and certain subcollectors:

(a) *streets* classified as “lanes” shall be laid out so that use by through traffic is minimized;

(b) *lot* access driveways shall be private. *Streets* classified as “lanes” or “subcollectors” may be constructed as private *streets*;

(c) *lot* access driveways and private *streets* classified as “lanes” or “subcollectors” may be approved for access to newly created *lots* where the planning commission or summary committee determines that no public *street* is needed to provide access to the *property* being *subdivided* or to surrounding *properties*, based on existing and

planned future uses of the *properties*.

- (d) a roadway classified as a lane must meet the following standards:
  - (i) paved lanes; and
  - (ii) unpaved lanes that are approved for construction with gravel surfacing as provided in Subsection (B)(7) above
    - A. twenty-two (22) feet driving surface width;
    - B. eight (8) feet shoulder and drainage on each side;
    - C. six (6) inch crushed gravel base course surfacing material; and
    - D. thirty-eight (38) feet total *right of way* or access easement.
- (e) A *lot* access driveway that is required to provide emergency vehicle access pursuant to Chapter 12 SFCC (Fire Prevention and Protection) must meet the standards of that chapter. Otherwise, a *lot* access driveway must have an all-weather driving surface at least ten (10) feet in width, must be no steeper than fifteen percent grade, or as required by the fire marshal and must accommodate drainage and utility facilities and easements.

**Section 56. Subsection 14-9.2(E) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:**

(E) Sidewalks

- (1) If a subdivision *plat* or *development* plan approval is required, curb, gutter and sidewalk locations shall be dedicated when the subdivision *plat* or *development* plan is recorded and constructed in accordance with applicable standards as part of the subdivision or *development* plan *infrastructure*.

- 1           (2)     If a subdivision *plat* or *development* plan is not required, curbs, gutter and  
2                         sidewalks shall be constructed in accordance with applicable standards and  
3                         dedicated to the *city* prior to issuance of a *certificate of occupancy* for:
- 4                         (a)     construction of a new *principal building*;
- 5                         (b)     all additions over five hundred (500) square feet *gross floor area*;
- 6                         (c)     remodeling or renovations over five (500) hundred square feet *gross*  
7   *floor area* for multiple-family residential and nonresidential permits;  
8   and
- 9           (3)     Sidewalk construction is not required to exceed twenty percent of the value  
10                         of the other construction covered by the *permit* for additions and remodeling.
- 11           (4)     Sidewalks shall be located in a *city right of way* or, if adequate *right of way* is  
12                         not available, sidewalks shall be located in a public access easement  
13                         dedicated to the *city* on an approved *plat*. The sidewalk shall be consistent  
14                         with the *street* standards of Subsection 14-9.2(C) and located along each  
15                         *street* frontage immediately adjacent to the *development*.
- 16           (5)     New sidewalks, drive pads and curb ramps required pursuant to Subsection  
17                         14-9.2(E)(1) or (2) must comply with the Americans with Disabilities Act  
18                         [~~Aceessible~~] Accessibility Guidelines (ADAAG) and with New Mexico  
19                         department of transportation pedestrian access details (NMDOTPAD) and  
20                         must be constructed of concrete, meeting standards approved by the city or  
21                         alternative materials approved by the land use director. New sidewalks  
22                         constructed pursuant to Subsection 14-9.2(E)(1) [~~or (2) must be constructed~~  
23                         ~~of concrete meeting standards adopted by the city or alternative materials~~  
24                         ~~approved by the land use director and~~] must be free of any *structures, signs,*  
25                         *landscaping*, above ground utility elements or other items that prevent free

1 passage along the sidewalk. New sidewalks constructed pursuant to  
2 Subsection 14-9.2(E)(2) must be free of any *structures, signs, landscaping,*  
3 *above ground utility elements or other items that result from the new*  
4 *construction and that prevent free passage along the sidewalk.*

5 (6) ~~[E]~~ Replacement of existing sidewalks [are adequate] is not required if they  
6 are in good condition and substantially in compliance with ADAAG.  
7 Existing sidewalks shall be free of any *structures, signs, landscaping,* above  
8 ground utility elements or other items that prevent free passage along the  
9 sidewalk. However, in the situations described in Subsection 14-9.2 (E)(1)  
10 and (E)(2), the *land use director* may allow the sidewalk barrier to remain or  
11 approve an alternate sidewalk alignment creating free passage if the removal  
12 of the sidewalk barrier is deemed not feasible.

13 (7) A new sidewalk that connects to an existing sidewalk shall be the wider of:

- 14 (a) the width of the existing sidewalk;  
15 (b) the required minimum width set forth in Table 14-9.2-1;  
16 (c) the NMDOTPAD as may be amended by the *city*; or  
17 (d) the minimum width required by ADAAG.

18 (8) A curb/access ramp meeting NMDOTPAD and *city* standards shall be  
19 constructed where two paved *streets* with curb, gutter and sidewalk intersect.

20 (9) Drive pads shall comply with NMDOTPAD and any *city street* standard  
21 details.

22 (10) If there is no curb or gutter, an alternative pedestrian route may be approved  
23 as part of a subdivision *plat* or *development* plan. The alternative pedestrian  
24 route shall comply with ADAAG. Consideration shall be given to future  
25 maintenance, the surrounding uses, *density* and the location and type of the

*street.*

(11) Colored concrete shall be required in the *city's* historic districts according to the color palette approved by the historic districts review board available from the *city* historic preservation division. Alternative materials may also be required by the historic districts review board. In addition, the *city* reserves the right to specify sidewalk color or alternative materials in other sections of the *city* as may be appropriate.

(12) Construction of sidewalks shall comply with Section 23-3 SFCC 1987 (Construction and Maintenance of Curbs, Gutters and Sidewalks).

**Section 57. Section 14-9.2(K) SFCC 1987 (being Ord. No. 2011-37, §12) is amended to read:**

K. Utilities, *storm drainage facilities* and *street* improvements shall be provided as follows.

(1) Standards and Specifications:

(a) connection to *city* water service except as provided in Section 25-1.10 SFCC 1987 (Regulations for the Drilling of New Domestic Water Wells);

(b) connection to *city* sewer services except as provided in Section 22-3.1 SFCC 1987 (Sewers – Connection to the Public System);

(c) approval of storm sewer system and other drainage improvement plans by the *city engineer*;

(d) approval of *grading* and centerline gradients by the *city engineer*;

(e) approval of major and secondary arterial *street* cross-section by the *city engineer*; provided, however, that the cost of improvement to the ~~[subdivider]~~ developer shall not exceed that which is required for

improving a collector *street*.

(f) installation of *street* name *signs* of a material and design approved by the *governing body* at all *street* intersections;

(g) approval of complete *street* lighting facilities by the *city engineer*; and

(h) *landscaping* as required by Section 14-8.4 (Landscape and Site Design).

(2) Design Details, Construction Standards and Specifications

Design details, construction standards and specifications for utilities and storm drainage shall conform to standard details and specifications adopted by the *governing body*.

**Section 58.** Table 14-9.2-1 SFCC 1987 (being Ord. No. 2011-37, §12, as amended) is amended to read:

**Table 14-9.2-1: Design Criteria for Street Types**

<b>TABLE 14-9.2-1: Design Criteria for Street Types</b> <b>See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage</b>									
Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Average Daily Traffic	Up to 60,000	Up to 40,000	5,000-15,000	1,000-5,000	1,000-5,000	300-1,000	300-1,000	0-300	Minimum
Dwelling Unit Access						30-100	30-100	0-30	(0-8)
Minimum Right-of-way Width	120	98	70	[50] 52	50	42	50 or 56	38 or 42	NA
Slope/Grading	0-30	0-30	0-30	0-30	0-30	0-30	0-30	0-30	NR

**TABLE 14-9.2-1: Design Criteria for Street Types**  
See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		
Easement (conditional upon staff review)									
Number of Auto Lanes	6-7 Note 2	4-5 Note 2	2-3 Note 2	2	2	2	2	2	1
Width of Driving Lanes	11	11	11	10	10	9	10	9	10
Median/Turn Lane Width	18	18	14	NR	NR	NR	NR	NR	NR
Minimum Bikeway Width	5	5	5	4	NR	NR	NR	NR	NR
On-Street Parking Width	NA	NA	NA	NA	6 Note 3	NA	6 Note 4	NA	NA
Curb & Gutter	2	2	2	2	2	2	2	2	NR
Minimum Sidewalk Setback	5	5	5	[4] <u>5</u>	NR	5	[3] <u>5</u>	[3-4] <u>0 or 5</u> <u>Note</u> <u>1</u>	NR
Minimum Sidewalk Width	6	6	5	5	7	5	5	5	NR

**Notes:**

NA - Not Applicable



**TABLE 14-9.2-1: Design Criteria for Street Types**

**See also Chapter 12 Fire Prevention and Protection – International Fire Code Appendix D Fire Apparatus Access Roads (as amended) for mandatory standards for roadway width, steepness, dead end/turnarounds, number of access points and fire lane signage**

Criteria	Major Arterial (6-Lane)	Major Arterial (4-Lane)	Secondary Arterial	Collector	Collector Mixed-Use	Subcollector		Lane	Lot Access Driveway Note 1
						No Parking	With Parking		

NR - Not Required

1. Refer to 14-9.2(C)(8) for additional standards for lanes and *lot* access driveways. *Lot* access driveway standard applicable to access from *street* to not more than eight single *family lots*.

2. Includes Median/Turn Lane

3. Parking required on both sides of *street*, except no parking on that side of a *street* adjoining the plaza.

4. Parking may be on one side or both sides of the *street*; parking lane should not be continuous.( )

All measurements in feet, unless otherwise noted.

**Section 59. Subsection 14-9.5(A) SFCC 1987 (being Ord. No. 2011-37, §12) is**

**amended to read:**

**(A) Dedication of Rights of Way and Easements**

(1) On-site and off-site *rights of way* and easements required for public and quasi-public *infrastructure* shall be dedicated before or concurrently with recording a subdivision *plat* or filing a *development* plan or issuance of a construction *permit* for any *development* for which no *development* plan or subdivision *plat* is required.

(2) All quasi-public *infrastructure* and land designated for ownership in undivided interest, such as private roads and drainage facilities and *common open space*, must be dedicated to and perpetually maintained by an owners' association or similar legal entity. An article of incorporation and bylaws for the owners' association along with a declaration of restrictions and covenants must be submitted for review and approval by the City Attorney.

**Section 60. Subsection 14-9.5(D) SFCC 1987 (being Ord. No. 2011-37, §12) is**

1 amended to read:

2 (D) Completion and Warranty Period Financial Guarantee

3 (1) All *infrastructure* improvements shall be completed in accordance with the  
4 requirements of *city* regulations and approvals, and the *land use director*  
5 must inspect and accept all work.

6 (2) The developer shall warranty the *infrastructure* improvements for a period of  
7 at least one year after acceptance and must repair or replace defects at no cost  
8 to the *city* during the warranty period. The *land use director* may extend the  
9 warranty period when necessary to insure that actual or potential defects are  
10 corrected.

11 (3) During the warranty period, the developer shall maintain on file with the *city*  
12 a construction financial guarantee in an amount equal to ten percent of the  
13 cost estimate in Subsection 14-9.5(G) and it shall remain in effect until the  
14 required *infrastructure* has passed a final warranty inspection by the *land use*  
15 *director*. If there is no agreement to construct improvements, a separate  
16 financial guarantee for the warranty period consistent with *city infrastructure*  
17 *completion policies* shall be provided.

18 Section 61. Subsection 14-10.1(C) SFCC 1987 (being Ord. No. 2011-37, §13) is

19 amended to read:

20 (C) Determination of Nonconformity Status

21 The *land use director* [~~shall~~] determines the status of a *nonconforming lot*,  
22 *nonconforming use*, *nonconforming structure* or *nonconforming sign*. For purposes  
23 of this Article 14-10, each *sign* [~~shall be~~] is treated as a separate *structure*, including  
24 those attached to or painted on *buildings*. Each telecommunication antenna, tower,  
25 tower alternative or other telecommunication facility is treated as a separate structure.

[~~Appeals of the land use director's determination shall be pursuant to Section 14-3.17 (Appeals).~~]

**Section 62.** Subsection 14-10.4(A) SFCC 1987 (being Ord. No. 2011-37, §13) is amended to read:

**(A) Use of Legal Nonconforming Lot**

Notwithstanding limitations imposed by other provisions of Chapter 14 [~~with regard to minimum lot size or width or maximum density~~], a *single-family dwelling* and *accessory buildings* may be erected on a single legal [~~nonconforming~~] *lot of record* that is nonconforming with regard to minimum lot size or width or maximum density in a district in which *single-family dwellings* are allowed; provided that the *lot* does not adjoin a commonly owned *lot*, except as provided in Sections 14-10.4(B) and (C). Dimensions of *required yards* and other requirements that do not involve area or width of the *lot* shall conform to the regulations for the district in which the *lot* is located.

**Section 63.** Section 14-11.5 SFCC 1987 (being Ord. No. 2011-37, §14) is amended to read:

**14-11.5 ENFORCEMENT OF SANTA FE HOMES PROGRAM OUTSIDE THE CITY**

**LIMITS**

If, after having been given notice as set forth in Section 26-1.19 SFCC 1987 (Enforcement of SFHP), a *property owner* subject to a *SFHP* agreement fails to comply with [~~this~~] Section 14-8.11 (Santa Fe Homes Program) or Article 26-1 (Santa Fe Homes Program), the office of affordable housing may request that the *city* manager authorize the *city* attorney's office to pursue enforcement of specific performance requirements in accordance with the *SFHP* agreement.

**Section 64.** Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is

1 amended to ordain the following definitions:

2 **MUSEUM**

3 An institution devoted to the procurement, care, study and display to the public of objects that  
4 have lasting interest or value.

5 **PARKWAY**

6 The part of the *street right of way* lying between the back of the curb and the outer edge of  
7 the *right of way* and typically including the sidewalk and *planting strip*.

8 **Section 65. Section 14-12 SFCC 1987 (being Ord. No. 2011-37, §15, as amended) is**  
9 **amended to amend the following definitions:**

10 **LEGAL LOT OF RECORD**

11 A *lot* that was created prior to the date of any applicable provision of law that required the *lot*  
12 to be approved as part of a subdivision, or that has been created as part of a subdivision  
13 created in accordance with all applicable laws or ordinances, or that has been created by a  
14 court order as provided in Subsection 14-3.7(A)(6), or for which a certificate of compliance  
15 has been issued pursuant to Section 14-3.7(A)(7)(b). The *lot* must be shown on a duly  
16 recorded *plat* or other written instrument that adequately describes the *lot*, that is recorded  
17 with the *county* clerk, and that documents compliance with this definition.

18 **OWNER**

19 [A] With regard to real *property*, a *person* who holds fee simple title to real *property*, or a  
20 *person* acting lawfully on behalf of the *person* who holds title.

21 **~~[HOMEOWNERS']~~ OWNERS' ASSOCIATION**

22 A private nonprofit corporation or similar legal entity of [ ~~homeowners~~ ] *property* or  
23 condominium owners for the purpose of owning, operating and maintaining various common  
24 *infrastructure* facilities and/or *properties*.

25 **PLANTING STRIP**

[The part of the *street right of way* lying between the back of the curb and the edge of the sidewalk.] A linear landscaped area typically located within or adjoining a *parkway*.

### **YARD, SPECIAL**

In the case of an *irregular lot*, means a yard required to perform the same functions as a *front, side or rear yards*, but adjacent to the *lot* line so placed or oriented that the standard requirements are not clearly applicable. In such cases, the *land use director* shall require a special yard with minimum dimensions as would apply for a comparable *front, side or rear yards* in the district. Such determination shall be based on the relation of the *lot* in question to the adjoining *lots* with due regard to the orientation and location of *required yards, structures and buildable areas* on the ~~[lot]~~ *lots*.

**Section 66. Chapter 14, Appendix Exhibit B SFCC 1987 (being Ord. No. 2011-37, §16) is amended to include the following notes:**

(1) Types of Spaces Allowed

(a) All parking spaces shall be designated either “standard” or “small car” or “one size fits all,” depending on the size of the car space. However, “one size fits all” spaces may not be used with “standard” or “small car” spaces.

(b) Parking lots with ten vehicles or more may have spaces designated for small car use. Up to 40 percent of the total spaces required of a parking lot may be designated for small car use.

(2) Minimum Standards for Surface Preparation

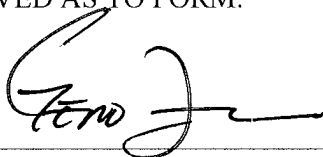
(a) All parking spaces, driveways and parking lot access aisles shall be constructed with a six-inch subgrade compacted to American Association of State Highway and Transportation Officials (AASHTO) Standard T-180-95%.

(b) Parking lots with fewer than 40 spaces must have a four-inch gravel surface and must be graded in such a manner to prevent erosion of the surface or transport of gravel or subsurface material into the public right-of-way or onto adjacent property.

(c) Parking lots with 40 or more spaces must have a two inches of asphalt treated material.

(c) Parking lots must meet applicable standards for spaces designated for persons with disabilities as provided in Subsection 14-8.6(B)(5).

APPROVED AS TO FORM:

A handwritten signature in black ink, appearing to read "Geno", followed by a horizontal line.

GENO ZAMORA, CITY ATTORNEY